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FORGING A COMMON CULTURE: INTEGRATING CALIFORNIA'S ILLEGAL IMMIGRANT POPULATION

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MEXIFORNIA: A STATE OF BECOMING. By Victor Davis Hanson.
San Francisco: Encounter Books 2003. Pp. 150.

Abstract: Victor Davis Hanson's book examines the effects of changes in California's immigration policy over the past thirty years. Hanson asserts that the dismal education and income statistics for illegal immigrants currently residing in California are the result of a move from an assimilation model of integrating immigrants to a push for multiculturalism. Hanson presents several policy solutions to prevent the eventual development of what he calls "Mexifornia," a hybrid civilization that is neither purely Mexico nor purely California, yet these entail either a return to the complete assimilation of immigrants or draconian cutbacks to the admission of non-citizens. This Book Review proposes a fifth option—the "state action" option—which involves the California government, through the passage of legislation, supporting the integration of its current undocumented immigrant population while ensuring that its members attain certain basic levels of citizenship.

INTRODUCTION

In *Mexifornia: A State of Becoming*, Victor Davis Hanson explores the changes that have occurred in California's Central Valley over the past three decades as a result of increased Mexican illegal immigration, the decline of government assimilation efforts, and the rise of Hispanic activism seeking to preserve Mexican immigrants' language and culture.¹ Hanson is a fifth-generation Californian who still lives in the Central Valley on the farm his ancestors settled 130 years ago.² Thus, he is able, in *Mexifornia*, to critique the effects of changes in

* Staff Writer, BOSTON COLLEGE THIRD WORLD LAW JOURNAL (2003–2004). I would like to thank Michael O'Donnell, Christine Siscaretti, Allegra Jones, and Ashley Wisneski for their valuable comments and support during the writing of this Book Review.

¹ See generally VICTOR DAVIS HANSON, MEXIFORNIA: A STATE OF BECOMING (2003).

² *Id.* at xii.

state immigration policy over the past thirty years through the eyes of someone who has lived through and among the changes.³

Hanson uses the word "Mexifornia" to describe a new hybrid civilization, which is neither purely California nor purely Mexico, that will come into being if California does not begin to assimilate its enormous population of illegal immigrants.⁴ Each of the past three decades has witnessed an increase in Mexican immigration to the United States, both legal and illegal.⁵ As of January 2000, the Immigration and Naturalization Service (INS) estimated that the total population of unauthorized immigrants residing in the United States was 7 million.⁶ California is home to an estimated 2.2 million of these unauthorized immigrants, which represents 32% of all unauthorized immigrants and about 6.5% of California's total population of 33.9 million.⁷ Although California's illegal immigrants arrive from a variety of countries, Mexico is by far the largest source of its undocumented population.⁸

Mexican immigrants to the United States face two unique obstacles that are not part of the immigration experience of other populations: the physical proximity of their home country and the active involvement of its government in the affairs of those who emigrate.⁹ The geographical nearness of Mexico to the United States is the

³ See *id.*

⁴ *Id.* at 85. To illustrate, Hanson relates the story of an unnamed Mexican immigrant who left his former California town "when the last white people left." *Id.* Hanson interpreted the statement to mean that his Mexican friend felt that too many unassimilated Mexicans lived in his town to ensure an American future for his children. *Id.* Many of the Central Valley towns today resemble more closely what Mexican immigrants left behind in Mexico than what they had hoped to find in the United States. See POVERTY AMID PROSPERITY: IMMIGRATION AND THE CHANGING FACE OF RURAL CALIFORNIA 43-47 (J. Edward Taylor et al. eds., 1997) (using the town of Parlier as an illustration of the demographic transition occurring in rural California).

⁵ See PETER KIVISTO, MULTICULTURALISM IN A GLOBAL SOCIETY 73-74 (2002).

⁶ OFFICE OF POLICY AND PLANNING, U.S. IMMIGRATION AND NATURALIZATION SERV., ESTIMATES OF THE UNAUTHORIZED IMMIGRANT POPULATION RESIDING IN THE UNITED STATES: 1990-2000, at 1 (2003). The INS's estimates of unauthorized immigrants refer to foreign-born persons who entered without inspection or who violated the terms of a temporary admission and who have not acquired lawful permanent resident status or gained temporary protection against removal by applying for an immigration benefit. *Id.* at 3. The INS is now part of the Department of Homeland Security. See generally T. ALEXANDER ALEINIKOFF ET AL., IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY 239-49 (5th ed. 2003) (describing the recent incorporation of the INS into the Department of Homeland Security).

⁷ OFFICE OF POLICY AND PLANNING, *supra* note 6, at 1, 8, 15.

⁸ *Id.* at 1. Mexico accounts for an estimated 4.8 million of the total unauthorized immigrants in the United States, or almost 69% of the total unauthorized population. *Id.*

⁹ See HANSON, *supra* note 1, at 21-23, 26-31.

clearest difference.¹⁰ This close proximity makes it easier for Mexican immigrants to cross the border illegally.¹¹ Further, as Hanson states, “there is little physical amputation from the mother country,” and, thus, Mexican immigrants do not have to cut the proverbial apron strings that immigrants from other countries must do.¹² When other immigrants arrive in the United States, their homelands are thousands of miles away, and there is little hope of easy return.¹³ Thus, geographical isolation leads non-Mexican immigrants to interact with Americans in order to succeed in their new country.¹⁴ These immigrant populations understand that they must assimilate or risk being left behind.¹⁵ For instance, Hanson recounts the anecdote that “[a] Pole once accepted that she would perpetually stumble through the Cleveland phone book if she kept speaking Polish”¹⁶

Mexican immigrants, however, face a different situation because the mother country is so close in proximity. Unlike most other immigrant populations that arrived in large numbers during one or two specific periods in history, Mexican immigrants have entered the United States continuously for several decades.¹⁷ Therefore, the Mexican immigrant population is always growing, and there is little chance for all its members to assimilate and put down roots at the same time.¹⁸ Mexican immigrants feel less pressure to assimilate because they know that if they do not adapt, many more new Mexican immigrants will continue to cross the border with little knowledge about the language and culture and, thus, due to their sheer numbers, will have to be accommodated.¹⁹ Hanson argues that this characteristic of Mexican immigration creates a sense of entitlement on the

¹⁰ *Id.* at 21.

¹¹ *See id.*; KIVISTO, *supra* note 5, at 74.

¹² HANSON, *supra* note 1, at 21.

¹³ *Id.*

¹⁴ *See id.*; Tyche Hendricks, *California Leads Nation in Naturalization*, S.F. CHRON., Oct. 15, 2002, at A17 (finding that the tendency of immigrants to naturalize depends in part on how far away they are from their home country. “Although Mexicans make up the largest portion of foreign-born U.S. citizens, they . . . have the lowest rate of naturalization.”).

¹⁵ HANSON, *supra* note 1, at 23.

¹⁶ *Id.*

¹⁷ *See id.* at 22–23.

¹⁸ *See id.*; KIVISTO, *supra* note 5, at 74.

¹⁹ HANSON, *supra* note 1, at 23; *see, e.g.*, Juan Esparza & Daniel Rodriguez, *Businesses Starting to Learn the Language of Money; Latino Political Clout Is Still Growing*, VIDE EN EL VALLE, Oct. 15, 2003 (discussing the increased focus on marketing to the Latino community, including publication of a Spanish-language telephone directory that distributes 110,000 directories in Fresno and Madera counties alone), at http://www.vidaenelvalle.com/projects/valley_latinos/population/story/7594607p-8503082c.html (last visited Jan. 19, 2004).

part of the Mexican immigrant, undocumented or not.²⁰ Unlike the Polish immigrant mentioned above, who acknowledges that she must learn English or continue to stumble through the phone book, “a Mexican accepts as a given that Pacific Bell will double the size of its directory assistance just to accommodate her Spanish.”²¹

Mexican immigration is also unique because while most other countries accept their citizens’ decisions to leave, the Mexican government remains involved with Mexican emigrants and has demanded benefits from the United States on their behalf.²² Mexican immigrants in the United States are still able to vote for Mexican candidates at home, and Mexican politicians even come to California to campaign.²³ Consequently, even though Mexican immigrants may permanently reside in the United States and enjoy all that the United States has to offer, they are still able to remain socially and politically involved with Mexico at the same time.²⁴ Interestingly, once the Mexican immigrant enters the United States and secures a place to sleep, a job, and food to eat, he or she often forgets the corruption and despair left behind in Mexico and replaces it with a fondness for a distant culture.²⁵

The close proximity of Mexico and the continued involvement of the Mexican government in the lives of emigrants make it more difficult for the majority of new Mexican immigrants to integrate fully into American society compared to other immigrant populations.²⁶ These obstacles to integration, combined with the increasing number of new Mexican immigrants, contribute to abysmal education and income statistics for this group.²⁷

²⁰ See HANSON, *supra* note 1, at 63–64.

²¹ *Id.* at 23.

²² *Id.* at 27–30; see, e.g., *U.S. Congressman Sees Immigrant Worker Bill by End of Year*, ASSOCIATED PRESS, Oct. 22, 2003 (“Mexico has pushed for years for legalization to help protect workers from abuse and exploitation . . .”), available at <http://www.sfgate.com/cgi-bin/article.cgi?f=/news/archive/2003/10/22/international1725EDT6110.DTL> (last visited Jan. 19, 2004); Will Weissert, *Mexico Wants Migrants on Bush Agenda*, ASSOCIATED PRESS, Nov. 24, 2002, available at 2002 WL 103439353 (last visited Jan. 25, 2004).

²³ HANSON, *supra* note 1, at 33.

²⁴ See *id.*

²⁵ *Id.* at 33–34. Compare Eduardo Porter, *No Going Back: Tighter Border Yields Odd Result: More Illegals Stay*, WALL ST. J., Oct. 10, 2003, at A1 (describing two immigrant farm workers who “often miss their home” and wish to retire to Mexico), with Hendricks, *supra* note 14, at A17 (describing Hong Kong immigrants who appreciate what the United States has to offer and rarely indicate a desire to return home).

²⁶ See HANSON, *supra* note 1, at 21–23, 26–31.

²⁷ See *id.* As of March 2002, foreign-born people from Central America (including Mexico) had a 37.3% graduation rate from high school compared with the 67.2% average graduation rate of all foreign-born individuals. Dianne Schmidley, *The Foreign-Born Popula-*

Within this social context, Hanson argues that the current inability of illegal immigrants to succeed in the United States, as opposed to the success of immigrants three decades ago, is the result of a change from an assimilation model to a push for multiculturalism.²⁸ This change in ideology affects all new immigrants arriving in the United States; however, new Mexican immigrants are uniquely affected because of the special circumstances discussed above.²⁹ The majority of Hanson's book discusses the benefits of assimilation and the consequences of multiculturalism, using the decrease in successful immigrant integration over the past thirty years as proof of his theory.³⁰ After establishing the basis for California's current immigration dilemma, Hanson suggests that Californians have four options for handling the illegal immigrant population.³¹ First, Californians can compel assimilation of all illegal immigrants.³² Second, they can substantially decrease the number of new legal immigrants admitted each year and effectively close the United States-Mexican border to illegal immigrants.³³ A third option, favored by Hanson, is a hybrid between the first two. Finally, the fourth option is for Californians to do nothing and eventually allow "Mexifornia" to develop.³⁴

Upon examination, however, Hanson's extreme recommendations prove unnecessary. In their place, this Book Review suggests a fifth option by which California could address its illegal immigrant situation—the "state action" option.³⁵ The California government, through the passage of legislation, should take the lead in promoting the integration of its current undocumented immigrant population and ensuring that its members attain certain basic levels of citizenship.³⁶

tion in the United States: March 2002, CURRENT POPULATION REPS. 1, 5 (2003). In addition, only 6% of Central American foreign-born individuals had obtained a bachelor's degree compared with 26.5% of all foreign-born and 26.8% of the native population. *Id.* Finally, 22.6% of the foreign-born people from Central America lived below the poverty level compared to 16.1% of all foreign-born and 11.1% of native workers. *Id.* at 6.

²⁸ See HANSON, *supra* note 1, at 103–04, 108.

²⁹ See *id.* at 20–23, 26–31.

³⁰ See generally *id.*

³¹ *Id.* at 142–47.

³² *Id.* at 145–46.

³³ See HANSON, *supra* note 1, at 146.

³⁴ See *id.* at 147.

³⁵ This Book Review is confined to how California can work with illegal immigrants currently residing in California and does not discuss the border control issues that also exist.

³⁶ See generally Esparza & Rodriguez, *supra* note 19 (advocating that local government should be the first to adjust to a change in demographics because, "[i]f the leadership embraces this group and says it makes a positive impact on the community, then it establishes a positive kind of environment"). *Id.* This Book Review suggests starting at the state

Part I of this Book Review discusses Hanson's views on what has worked in the past to integrate Mexican immigrants and what has happened over the past three decades to impede integration of new arrivals. In addition, Part I outlines and critiques Hanson's four options to address the current illegal immigrant population. Part II introduces the option of state action and argues that the state is the right entity to lead the change. Part III then presents the recent passage of a driver's license law in California as an example of how the state government can aid the integration of its current undocumented immigrant population. This Book Review concludes that the passage of legislation designed to benefit both California's citizens and the current illegal immigrant population will provide the most effective, efficient improvement to California's current immigration dilemma.

I. HANSON'S APPROACH TO THE ILLEGAL IMMIGRANT CRISIS

Until 1970, California dealt with rising Mexican immigration in the way it handled all other mass arrivals of immigrants—with rather “unapologetically coarse efforts to insist on assimilation.”³⁷ The logic behind this approach was that, since the immigrant came to the United States by choice, he or she was responsible for learning about the United States, not the other way around.³⁸

Hanson argues that the assimilation of immigrants must start with schoolchildren, and he describes how his primary school education thirty years ago provided exactly what newly immigrated children needed in order to prosper in the United States.³⁹ English was required to be spoken at school, even on the playground at recess.⁴⁰ The speech teacher worked with Mexican immigrants to help them speak without an accent.⁴¹ The teachers even went so far as to determine what the proper “American” clothes were.⁴² It was understood

level rather than local level because of the need for a uniform solution to problems that exist in many communities all over the state.

³⁷ HANSON, *supra* note 1, at 79. For example, it was customary to place Spanish-speaking students in classrooms where all the instruction was delivered in English, effectively forcing them to learn English in order to succeed. WILLIAM A.V. CLARK, *THE CALIFORNIA CAULDRON* 126 (1998).

³⁸ HANSON, *supra* note 1, at 79.

³⁹ *See id.* at 88.

⁴⁰ *See id.*

⁴¹ *See id.* at 91.

⁴² *See id.* at 88–89. For example, the children were taught not to wear “glittery or showy clothes.” *Id.* Hanson describes the time he and his brother wore “Frisco” jeans (oversized

that the Mexican immigrant should retain pride in his or her ethnic heritage, but only to the extent that it related to music, dance, art, literature, religion, and cuisine.⁴³ Education was presented to Hanson's class as the way to escape "the fields," shorthand for the low-wage agricultural labor jobs increasingly filled by Mexican immigrants.⁴⁴ The eventual success of these schoolchildren, he argues, speaks for itself: almost all of the students from Hanson's second-grade class have become teachers, principals, businessmen and businesswomen, and government employees.⁴⁵

Hanson asserts that the decline in Mexican immigrants' education and employment statistics over the past three decades is related to the change in California's schools due to Hispanic activist groups' push for multiculturalism.⁴⁶ The activist groups that arose in the 1960s demanded an end to discrimination and a greater voice in social and political life.⁴⁷ One result of their efforts, and an example of what Hanson thinks went wrong, was the passage of bilingual education laws in California.⁴⁸ Advocates of bilingual education claim that assimilationists wish to destroy immigrants' knowledge of Spanish, and with it, their ethnic identity.⁴⁹ Hanson rejects this accusation, arguing that bilingual education prevents immigrant children from achieving literacy in either language.⁵⁰ He points to the increase in Latino test scores after California recently put an end to most bilingual education in its schools as evidence that activist groups' efforts on this point are misguided.⁵¹ Hanson maintains that the focus on multiculturalism

and baggy) to school and the principal called their parents to pick them up immediately from detention. *Id.*

⁴³ HANSON, *supra* note 1, at 82.

⁴⁴ *Id.* at 94, 99–100.

⁴⁵ *Id.*

⁴⁶ *See id.* at 104, 108.

⁴⁷ KIVISTO, *supra* note 5, at 74–75.

⁴⁸ HANSON, *supra* note 1, at 108–09. In 1976, California passed the Chacon-Moscone Bilingual-Bicultural Education Act of 1976, becoming the first state to require school districts to provide equal educational opportunities to all students despite their limited proficiency in English. CAL. EDUC. CODE § 52160 (containing a sunset provision providing that the law expires in 1989); *see* Daria Witt, *Evolution of Important Events in California Bilingual Education Policy* (1998) (providing a comprehensive timeline of judicial and legislative responses to the issue of bilingual education from 1967 to 1998), at <http://www.stanford.edu/~hakuta/timeline.html> (last visited Jan. 19, 2004).

⁴⁹ HANSON, *supra* note 1, at 109.

⁵⁰ *Id.*

⁵¹ *Id.* On June 2, 1998, Californians approved Proposition 227, which effectively eliminated bilingual education in California schools. The new law went into effect August 1, 1998. CAL. EDUC. CODE § 300 (West 2003). *See generally* JEWELLE TAYLOR GIBBS & TEIAHSHA

and ethnic pride in California schools has prevented Mexican children from learning math, science, and other skills that will enable them to transition into American society.⁵² Even the immigrants who make it through high school, therefore, are not qualified for the jobs that could pull them out of poverty.⁵³

Hanson contends that Californians have four options for dealing with the problems that Mexican immigrants currently face, including low high school graduation rates and high unemployment rates.⁵⁴ The first option is to go back to the old assimilation model that was successful thirty years ago.⁵⁵ To do this, Hanson insists there must be “rapid cultural immersion, an absolute and immediate end to all ethnic chauvinism, bilingualism, and separatism”—or, in other words, the abandonment of all preference for one’s ethnicity.⁵⁶ Although an assimilationist model may be the most efficient method of cultural integration, and the least disruptive to society as a whole, it generally requires that the immigrant group wants to assimilate.⁵⁷

Current trends on this point present a barrier to Hanson’s first option. The shift away from assimilation in the 1970s came about partly because of a growing “appreciation of diversity, concern with one’s roots, and a challenge to a view of assimilation that equated it with Anglo-conformity,” and these goals have not changed three decades later.⁵⁸ Also, assimilation may actually impede successful integration.⁵⁹ Although learning English is necessary to integrate into society, learning it at the expense of one’s native language “drives a wedge within immigrant families, reducing parental guidance and control at a crucial time”⁶⁰ Finally, California needs to do something now to help the current undocumented population to integrate, while Han-

BANKHEAD, PRESERVING PRIVILEGE 121–43 (2001) (discussing the bilingual education debate in California and analyzing the background and implications of Proposition 227).

⁵² See HANSON, *supra* note 1, at 106–07.

⁵³ See KEVIN F. MCCARTHY & GEORGES VERNEZ, IMMIGRATION IN A CHANGING ECONOMY 26 (1998); PETER DUIGNAN, BILINGUAL EDUCATION: A CRITIQUE § 7 (Hoover Inst., Hoover Essays Series, 1998) (contrasting Latino students with other ethnic groups who achieve higher academic scores because “they are not wasting time on bilingual classes and culture and failing to master the language of the marketplace and higher education”), at <http://www-hoover.stanford.edu/publications/he/22/22g.html> (last visited Jan. 25, 2004).

⁵⁴ See HANSON, *supra* note 1, at 142–47.

⁵⁵ *Id.* at 145–46.

⁵⁶ *Id.* at 145.

⁵⁷ See ETHNICITIES: CHILDREN OF IMMIGRANTS IN AMERICA 301 (Ruben G. Rumbaut & Alejandro Portes eds., 2001); KIVISTO, *supra* note 5, at 47.

⁵⁸ KIVISTO, *supra* note 5, at 30.

⁵⁹ See ETHNICITIES, *supra* note 57, at 301.

⁶⁰ *Id.*

son's assimilation model seems to focus on schoolchildren, which means that a successful implementation of this model would not produce results for at least a generation.⁶¹ Therefore, the successful integration of illegal immigrants into society by forcing assimilation is too radical an approach.⁶²

Hanson's second option is to admit far fewer legal immigrants from Mexico and to increase border-control efforts to ensure that only legal immigrants enter the United States.⁶³ With this option, Hanson predicts that there will be no need to enforce assimilation for current residents because the end of newly arriving immigrants will force current residents either to sink or swim.⁶⁴ This second option would require extensive additional resources, including increased security at all border crossings.⁶⁵ In addition, no border patrol can be completely effective.⁶⁶ This choice may also be difficult to implement because of its incompatibility with America's historical identity as a nation of immigrants; such a policy would require citizens to overcome this deeply held belief.⁶⁷ Furthermore, Hanson's second option presumably envisions sweeping changes to the federal Immigration and Nationality Act, since federal law governs the border control of the United States.⁶⁸

The third option is a blend of the first two choices and is preferred by Hanson.⁶⁹ He contends, first, that sweeping restrictions on immigration should be adopted and, second, that California should put an end to immigrants' separatist ideology.⁷⁰ This option may pro-

⁶¹ HANSON, *supra* note 1, at 88.

⁶² See, e.g., GRACE CHANG, *DISPOSABLE DOMESTICS: IMMIGRANT WOMEN WORKERS IN THE GLOBAL ECONOMY* 97–98 (2000). Interestingly, Equal Employment Opportunity Commission regulations state that prohibiting workers from speaking their main language can create “an atmosphere of inferiority, isolation, and intimidation based on national origin.” 29 C.F.R. § 1606.7 (2004); CHANG, *supra*.

⁶³ HANSON, *supra* note 1, at 146.

⁶⁴ See *id.* at 147.

⁶⁵ See Porter, *supra* note 25, at A1. Even though the number of border-patrol agents has doubled since 1995, about 400,000 illegal immigrants still cross into the United States every year. *Id.*

⁶⁶ See *id.*

⁶⁷ See KIVISTO, *supra* note 5, at 44–45 (quoting historian John Higham, “The United States presented itself to the world as a . . . home for all peoples.”).

⁶⁸ See *Edwards v. California*, 314 U.S. 160, 172–73 (1941) (striking down as unconstitutional a California statute that attempted to regulate immigration under its police powers); see also Immigration and Nationality Act, 8 U.S.C. § 1101 (2003).

⁶⁹ HANSON, *supra* note 1, at 147.

⁷⁰ *Id.*; see THE CALIFORNIA-MEXICO CONNECTION 41–45 (Abraham F. Lowenthal & Katrina Burgess eds., 1993) (discussing the implications of a two-tiered society in California).

vide relief to California's immigration problem but Hanson does not offer any specifics for how it could be implemented.⁷¹ In addition, as discussed with the second option, restrictions on immigration will be difficult to implement and, therefore, this option will not take effect in the near future.⁷²

Hanson's fourth option is for California to continue its current immigration policy.⁷³ This option, although the easiest to implement since it requires no action at all, is also the most worrisome to Hanson because following this option to its logical conclusion will result in the creation of "Mexifornia."⁷⁴ With no change to California's current immigration policy, the trends of the past three decades will continue in the same direction—high school graduate rates will continue to drop and unemployment will continue to rise as a result of changing business needs and the arrival of immigrants who are younger and cheaper to employ.⁷⁵ Hanson writes, "Under such a logical continuation of present policy, Spanish, *de facto*, becomes coequal with English; poverty becomes endemic . . . and there seems to be little cultural opportunity for integration and Americanization."⁷⁶

Hanson's first three options would work to alleviate at least part of California's immigration dilemma either by reducing the number of new immigrants arriving in California, thereby lessening the number of immigrants to be integrated, or by forcing all immigrants to assimilate, which theoretically would lead to higher education and income statistics. The time it would take to implement the options, however, is too great in light of the dismal education and income statistics for California's illegal immigrant population.⁷⁷ The social impact of the options on both California citizens and the undocumented immigrant population is also a factor to consider—the goal of integration is to enable all California residents to work together, but forced programs, which are divisive and stigmatizing, will most likely fail to accomplish this goal.⁷⁸ Hanson's fourth option is also faulty because it does not provide any framework for alleviating the current

⁷¹ See HANSON, *supra* note 1, at 147.

⁷² See *id.*

⁷³ *Id.*

⁷⁴ *Id.* at 147–49.

⁷⁵ See MCCARTHY & VERNEZ, *supra* note 53, at 23, 25; Schmidley, *supra* note 27, at 5.

⁷⁶ HANSON, *supra* note 1, at 148.

⁷⁷ See Schmidley, *supra* note 27, at 5–6.

⁷⁸ See KIVISTO, *supra* note 5, at 82–83; Mark Simon, *Two Candidates Speak Out in San Jose*, S.F. CHRON., Sept. 22, 2003, at A10 ("We will be a great California if we are . . . working together as one California.").

undocumented immigrant problem; rather, this option perpetuates the existing policy that Hanson blames for the present education and employment statistics.⁷⁹ There is a fifth option, however, by which California could more effectively respond to its Mexican immigrant population. Part II outlines a model that envisages the state of California itself as a central actor.

II. STATE-SUPPORTED INTEGRATION EFFORTS TO CONFRONT THE CURRENT ILLEGAL IMMIGRANT DILEMMA

California should support the integration of illegal immigrants, and ensure that illegal immigrants attain certain basic levels of citizenship, through the passage of legislation.⁸⁰ This fifth option provides needed assistance to illegal Mexican immigrants while requiring that those who request assistance work to integrate into American society.⁸¹ In this model, the “they owe us” mentality yields to a give and take on both sides; California will assist immigrants in integrating if they take the initiative to integrate. Illegal immigrants would not be asked to assimilate and to change who they are; instead, it is the person, ethnic identity and all, who will be integrated.⁸² This approach provides “a sufficient basis for the forging of a common culture and thus societal cohesion,” and enables ethnic diversity to prosper.⁸³ The California government is the best entity to confront the illegal immigrant issue because it is close to the needs of all California constituents and, unlike local government, it represents the interests of the entire state. State government can, therefore, be responsive to the changing needs of all communities by developing comprehensive

⁷⁹ HANSON, *supra* note 1, at 147–49.

⁸⁰ See KIVISTO, *supra* note 5, at 35, 192.

⁸¹ See *id.*

⁸² See *id.* at 46–47 (describing the early 20th century “Americanization” campaigns, which were “intended to eradicate all vestiges of the new arrivals’ cultural heritages, while simultaneously instilling in them what was considered to be appropriate American attitudes, beliefs, and behaviors”). Henry Ford’s “Sociology Department,” which provided citizenship training to immigrant workers who promised to speak only English and to become “100 percent” American, is a good example of these campaigns. *Id.*

⁸³ *Id.* at 35; see THE CALIFORNIA-MEXICO CONNECTION, *supra* note 70, at 269, 273–274 (“California cannot turn back the clock on the economic and demographic changes that are transforming it into a multicultural society . . . California’s emergence as a center for international finance, trade, and investment requires a tolerance and understanding of different languages and cultures, as well as a commitment to enabling all ethnic groups to participate fully in society.”).

immigration policy solutions, and it can ensure a uniform response to state-wide issues.⁸⁴

Unsurprisingly, the issue of California's illegal immigrant population is hotly debated. On one side, there are California citizens who are either recent Mexican immigrants themselves or have close ties to Mexico, fighting for state benefits for undocumented immigrants.⁸⁵ On the other side, many Californians are tired of the increasing number of illegal immigrants who, they believe, are taking jobs away from Californians and causing their taxes to increase.⁸⁶ Legislation passed to aid in the integration of undocumented immigrants, and which also imposes an affirmative duty on the part of the immigrant, should appease both sides.⁸⁷ Such legislation will satisfy supporters of Mexican immigration by providing undocumented immigrants with much needed benefits.⁸⁸ In addition, opponents will see that integrated immigrants are better able to function in American society, which will hopefully lead to increased education and employment opportunities.⁸⁹

Not only is the state of California the right entity to confront the illegal immigrant issue, it is also in California's best interests to support and encourage the integration of its current undocumented immigrant population.⁹⁰ First, an argument can be made that these

⁸⁴ See, e.g., Jennifer Galassi, *Dare to Dream? A Review of the Development, Relief, and Education for Alien Minors (DREAM) Act*, 24 CHICANO-LATINO L. REV. 79, 83-85 (2003) (discussing California's law, CAL. EDUC. CODE § 68130.5(a) (West 2003), that provides postsecondary education benefits to undocumented immigrants); Simon, *supra* note 78, at A10 (discussing the government's responsibility to guarantee that everyone has access to healthcare).

⁸⁵ See generally Cecilia Munoz, *Transcript of Commentary on Citizenship and Its Constraints*, 52 DEPAUL L. REV. 893 (2003) (advocating changes to immigration policy to ensure the protection of illegal workers, such as a new legalization program for millions of workers currently in the United States, and as a way to ensure that all workers are equally protected under the law).

⁸⁶ HANSON, *supra* note 1, at 9; see also Fred Dickey, *Undermining American Workers*, L.A. TIMES, July 20, 2003, Magazine, at 13; Tyche Hendricks, *Echoes of Prop. 187 in Immigrant License Flap*, S.F. CHRON., Oct. 26, 2003, at A1.

⁸⁷ See, e.g., Act of Sept. 5, 2003, ch. 326, § 9, 2003 Cal. Legis. Serv. 326 (West) (eliminating the need for a social security number to receive a California driver's license or identification card) (repealed Dec. 4, 2003).

⁸⁸ For example, the right to operate motor vehicles legally. See Peter Nicholas & Jennifer Mena, *Bill Allowing Illegal Immigrants to Get Driver's Licenses Is Signed*, L.A. TIMES, Sept. 6, 2003, at B1; Maria Elena Salinas, *Demythifying Immigrant Drivers Licenses*, SEATTLE POST-INTELLIGENCER, Sept. 23, 2003, at B6.

⁸⁹ See Nicholas & Mena *supra* note 88, at B1; Salinas, *supra* note 88, at B6.

⁹⁰ See Thomas J. Donahue, Statement on Immigration Reform at the Joint Press Conference with Business, Labor, Ethnic, and Immigrant Organizations (Apr. 11, 2002), available at <http://www.uschamber.com/press/speeches/tjd020411immigration.htm> (last visited Jan. 19, 2004).

immigrants deserve some level of support from the state in return for the benefits they have conferred upon it.⁹¹ Mexican immigrants, illegal and legal, typically work in jobs that no native workers want.⁹² Thomas J. Donahue, president of the U.S. Chamber of Commerce, stated in April 2002 that “rounding up and sending all of these millions home would cause hotels, hospitals, nursing homes, construction sites and many factories in this country to simply shut down.”⁹³ As a result, instead of taking away jobs from Americans, Mexican immigrants provide much-needed services that enable Americans to maintain the lifestyle to which they have become accustomed.⁹⁴

Second, many non-citizens in the country illegally will remain in California for the rest of their lives, so the state clearly has an interest in facilitating their successful integration. Members of the current immigrant population are less likely to return to Mexico than prior immigrant populations.⁹⁵ This change is a result of stricter policing of the U.S. border, which was supposed to decrease the flow of illegal arrivals but, instead, may have had a contrary effect.⁹⁶ Mexican immigrants are continuing to take the risk of crossing into the United States to take advantage of economic opportunities not available in Mexico.⁹⁷ Once in the United States, however, many immigrants decide to remain unless or until they choose to return to Mexico permanently because of the increased costs and risks of multiple border crossings.⁹⁸ At the same time, California’s economic environment has shifted away from manufacturing toward service and high-technology industries in which em-

⁹¹ See Nena Baker & Peter Corbett, *Undocumented Workers Fill Labor Gap*, ARIZ. REPUBLIC, Aug. 26, 2001 (“Employers from caregivers to contractors, farmers to fast-food franchisees, and landscapers to light manufacturers say they would need to cut hours, services and operations without immigrant workers, legal and illegal.”), at <http://www.azcentral.com/news/specials/migrants/0826bizimpact.html> (last visited Jan. 19, 2004); Nicholas & Mena, *supra* note 88, at B1.

⁹² Baker & Corbett, *supra* note 91.

⁹³ See Donahue, *supra* note 90.

⁹⁴ See CHANG, *supra* note 62, at 115 (“Who benefits by having [undocumented workers in California]? You benefit, I benefit, we all benefit.”); Baker & Corbett, *supra* note 91.

⁹⁵ POVERTY AMID PROSPERITY, *supra* note 4, at 83–84; Dickey, *supra* note 86, at 13; Porter, *supra* note 25, at A1.

⁹⁶ See POVERTY AMID PROSPERITY, *supra* note 4, at 83–84; Dickey, *supra* note 86, at 13; Porter, *supra* note 25, at A1. The number of illegal immigrants returning home dropped from 30% in 1990 to 11% in 1998. Porter, *supra* note 25, at A1. In addition, the percentage of undocumented immigrants who say they plan to stay in the United States “as long as possible” jumped from 59% in the mid-1990s to 67% at the end of the decade. *Id.*

⁹⁷ *Id.*; see CLARK, *supra* note 37, at 30–32.

⁹⁸ Porter, *supra* note 25, at A1. Border patrol agents have doubled in number since 1995, and the monetary cost of an illegal crossing has jumped to about \$1,500. *Id.*

ployers require a higher level of education.⁹⁹ Since many Mexican immigrants will remain in California indefinitely, Californians should help to ensure that the current population is employable and does not become a strain on the state's already tight economy by helping the current undocumented immigrant population to integrate.¹⁰⁰

Moreover, California, unlike most states, has already overcome hurdles in the past to aid its illegal immigrant population, a good indicator that it can do so again.¹⁰¹ For example, California passed legislation providing post-secondary education benefits, such as in-state tuition rates, to illegal immigrants present in the United States, whereas most states determined that they were foreclosed from doing so by the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996.¹⁰² This legislation requires all students, including undocumented ones, to have attended high school in California for at least three years and to have graduated from a California high school in order to receive the post-secondary benefits.¹⁰³ In addition, undocumented students must sign affidavits stating that they will file applications to legalize their immigration status when eligible to do so.¹⁰⁴

This legislation is a key example of the state action option suggested by this Book Review because it enables illegal immigrants to attain important benefits while, at the same, creating commensurate

⁹⁹ See *ETHNICITIES*, *supra* note 57, at 304; *MCCARTHY & VERNEZ*, *supra* note 53, at 1.

¹⁰⁰ *MCCARTHY & VERNEZ*, *supra* note 53, at xiii. California is currently facing the worst budget crisis in state history. Jim Sanders, *Battle Lines on Budget Form as Session Begins*, *SACRAMENTO BEE*, Dec. 3, 2003, at <http://www.sacbee.com/content/politics/v-print/story/5449707p-6434607c.html> (last visited Jan. 19, 2004). The state has a two-year deficit of approximately \$27 billion and, although Governor Schwarzenegger and the legislature are seeking to alleviate part of the deficit with a \$15 billion bond, the remaining balance must be addressed. Tom Chorneau, *Schwarzenegger to Announce Budget Plan*, *ASSOCIATED PRESS*, Jan. 9, 2004, at <http://www.guardian.co.uk/us/latest/story/0,1282,-3605001,00.html> (last visited Jan. 25, 2004). Governor Schwarzenegger's budget plan, unveiled on January 9, proposes cutting billions of dollars from public health and welfare programs, including \$2 billion from education. *Id.*

¹⁰¹ See Galassi, *supra* note 84, at 83–85.

¹⁰² CAL. EDUC. CODE § 68130.5(a) (West 2003). Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to curtail illegal immigrants' access to public benefits. See Sara Hebel, *States Take Diverging Approaches on Tuition Rates for Illegal Immigrants*, *CHRON. OF HIGHER EDUC.*, Nov. 30, 2001, at A22 (discussing several states' concerns that IIRIRA prohibits colleges and universities from offering in-state tuition to illegal immigrants unless they offer the same lower rates to all out-of-state students). This Act is contained in the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104–208, 110 Stat. 3009 (1996).

¹⁰³ § 68130.5(a); Galassi, *supra* note 84, at 84.

¹⁰⁴ § 68130.5(a).

responsibilities.¹⁰⁵ Scholars have suggested repeatedly that a correlation exists between level of schooling and occupation.¹⁰⁶ Access to post-secondary education, therefore, will enable illegal immigrants to secure better jobs that, in turn, will help them to afford necessities such as housing and healthcare.¹⁰⁷ An affirmative duty is also placed on the undocumented immigrant to attend California schools and to commit to filing an application to legalize his or her immigration status when eligible.¹⁰⁸

There is a connection between successful adaptation to a new country and the hostility of the surrounding environment.¹⁰⁹ State-initiated efforts to support illegal immigrants' access to benefits, therefore, will increase the chance of a successful integration into society. A recent example of California's efforts in this regard was the passage of a new driver's license law, which enabled undocumented immigrants to receive California driver's licenses and identification cards.¹¹⁰

III. CALIFORNIA'S RECENT PASSAGE OF A NEW DRIVER'S LICENSE LAW

On September 5, 2003, then-Governor Gray Davis signed into law a bill, Senate Bill 60 (S.B. 60), that enabled undocumented immigrants to receive California driver's licenses and identification cards.¹¹¹ However, California subsequently recalled Gray Davis and elected Arnold Schwarzenegger in October, and Governor Schwarzenegger approved a bill on December 3 fulfilling his promise to repeal the new driver's li-

¹⁰⁵ See § 68130.5(a).

¹⁰⁶ See *ETHNICITIES*, *supra* note 57, at 40–41; *MCCARTHY & VERNEZ*, *supra* note 53, at 14, 19; *POVERTY AMID PROSPERITY*, *supra* note 4, at 4–5.

¹⁰⁷ See *ETHNICITIES*, *supra* note 57, at 40–41; *MCCARTHY & VERNEZ*, *supra* note 53, at 14, 19; *POVERTY AMID PROSPERITY*, *supra* note 4, at 4–5.

¹⁰⁸ § 68130.5(a).

¹⁰⁹ *KIVISTO*, *supra* note 5, at 35. The time may be right for implementing this kind of legislation. María Blanco, a national senior counsel with the Mexican American Legal Defense and Educational Fund, stated that "for the first time, there's a positive movement to incorporate [undocumented immigrants] into society." Nora Zamichow & Carl Ingram, *Senate OKs Licenses for Illegal Immigrants*, L.A. TIMES, Sept. 4, 2003, at A1. Also, immigration ranked very low among what Californians considered the most important issues in a March 2001 poll by the *Los Angeles Times*. *Id.*; see also JOSEPH NEVINS, *OPERATION GATEKEEPER* 170 (2002). Similarly, the *Los Angeles Times* poll found that 43% of Latinos believed the quality of life in their communities had improved in the past five years. Zamichow & Ingram, *supra*, at A1.

¹¹⁰ See Act of Sept. 5, 2003, ch. 326, § 9, 2003 Cal. Legis. Serv. 326 (West) (repealed Dec. 4, 2003).

¹¹¹ S.B. 60, 2003–2004 Leg., Reg. Sess. (Cal. 2003), 2003 Cal. Legis. Serv. 326 (West) (repealed Dec. 4, 2003); Nicholas & Mena, *supra* note 88, at B1.

cense law during his first 100 days in office.¹¹² Even though it was short-lived, S.B. 60 provides a good example of the state-action option advanced in this Book Review because the requirements under S.B. 60 seek both to aid in the integration of illegal immigrants and to ensure that they attain certain basic levels of citizenship.¹¹³

A. History of S.B. 60

Since his election to the California State Assembly in 1998, California Senator Gil Cedillo has tried to pass a version of S.B. 60.¹¹⁴ He finally succeeded on his fifth attempt.¹¹⁵ At the signing of the bill, Senator Cedillo said, "This will ensure [that] everyone on the highway has the responsibility to be tested, licensed, and insured."¹¹⁶ Cedillo's statement reflects the views of advocates for the bill who argued that passage of S.B. 60 would make the roads safer by ensuring that all drivers pass a driving test and have insurance, which cannot be obtained in California without a driver's license.¹¹⁷ Proponents also are hopeful about future legislation because passage of the new law suggests an end to an era of anti-immigration sentiment in California.¹¹⁸

¹¹² S.B. 1, 2003–2004 Leg., 3d Ex. Sess. (Cal. 2003), 2003 Cal. Legis. Serv. 3rd Ex. Sess. 1 (West); Hendricks, *supra* note 86, at A1.

¹¹³ See S.B. 60. In addition, although S.B. 60 was overturned, the Governor has pledged to work with California state senator Gil Cedillo and other lawmakers to "come up with a 'sensible solution' to the safety issues posed by undocumented immigrants driving on California roads and highways." Lynda Gledhill, *Immigrant Driver License Repeal Passed: Rewrite of Measure Planned—Governor Says He'll Work for a "Sensible Solution,"* L.A. TIMES, Dec. 2, 2003, at A4.

¹¹⁴ Nicholas & Mena, *supra* note 88, at B1.

¹¹⁵ Zamichow & Ingram, *supra* note 109, at A1.

¹¹⁶ Nicholas & Mena, *supra* note 88, at B1.

¹¹⁷ See, e.g., Hendricks, *supra* note 86, at A1; Nicholas & Mena, *supra* note 88, at B1; Zamichow & Ingram, *supra* note 109, at A1.

¹¹⁸ Zamichow & Ingram, *supra* note 109, at A1. Two examples of previous anti-immigration sentiment in California are Propositions 187 and 227. See generally GIBBS & BANKHEAD, *supra* note 51 (providing a comprehensive discussion of both Proposition 187 and 227). On Nov. 9, 1994, 59% of California voters approved Prop. 187, which banned the delivery of health, education, and social services to undocumented immigrants. *Id.* at 74. It was called the "Save Our State" initiative and was designed to alleviate any "perceived suffering experienced by the state's native-born and naturalized citizens as a consequence of illegal alien behaviors." *Id.* at 74–75. Even though most of Prop. 187 was eventually ruled unconstitutional in 1998, *League of United Latin American Citizens v. Wilson*, 1998 WL 141325 (C.D. Cal. 1998), forces rallied behind another anti-immigrant initiative in 1998—Prop. 227, the English Language in Public Schools Initiative. CAL. EDUC. CODE § 300 (West 2003); GIBBS & BANKHEAD, *supra* note 51, at 89–90, 127–28. Prop. 227 was approved by California voters in 1998 and virtually eliminates bilingual education in California's public schools. *Id.* at 123; Jason Takenouchi & Bettina Boxall, *With Gestures, but not Chaos, Prop. 227 Begins*, L.A. TIMES, Aug. 4, 1998, at A1.

At the signing of the bill into law, then-Governor Gray Davis stated that the new law would "help immigrants who pay taxes and contribute to the economy."¹¹⁹ He continued, "hard-working immigrants work in our fields, put food on our table, clean our hotels and care for our seniors . . . they deserve the right to drive to work"¹²⁰

Opponents of S.B. 60 claimed that the new law would put out a "welcome mat" for terrorists and undocumented workers.¹²¹ Cedillo argued that the law would have the opposite effect because it provided law enforcement officials with access to Department of Motor Vehicle (DMV) records, including information such as a driver's address and a brief description of the individual.¹²² Opponents also claimed it was "faulty logic" to think that people who had previously ignored U.S. immigration laws would suddenly now abide by California's driving laws.¹²³ Interviews with Mexican immigrants regarding the passage of S.B. 60, however, suggest otherwise.¹²⁴ For example, Jose Antonio Talavera, a Mexican immigrant living in Santa Ana, said he would insure his car if he owned one.¹²⁵ Interestingly, the annual cost to insure a car is less than the amount he and his family spend on bus fare.¹²⁶ The fact that it may actually be cost-effective to own and insure a car may provide even more incentive for immigrants to follow the new law because they would not only be behaving legally, but they would save money at the same time.¹²⁷

B. *Explanation of S.B. 60*

Under the law prior to S.B. 60, the applicant's social security number was required on all forms sanctioned by the DMV for the issuance or renewal by the Department of a driver's license or identification

¹¹⁹ Nicholas & Mena, *supra* note 88, at B1.

¹²⁰ *Id.*

¹²¹ See, e.g., Hendricks, *supra* note 86, at A1 (quoting Barbara Coe, chairwoman of the California Coalition for Immigration Reform and a co-author of Proposition 187, "John Q. Public is finally saying, Enough is enough. I'm done with the illegal alien invasion.") (internal quotations omitted); Zamichow & Ingram, *supra* note 109, at A1 (stating that opponents claim the bill does not provide for adequate verification of one's identity and that this omission would invite acts of terrorism).

¹²² Nicholas & Mena, *supra* note 88, at B1.

¹²³ Zamichow & Ingram, *supra* note 109, at A1.

¹²⁴ See, e.g., Nicholas & Mena, *supra* note 88, at B1.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ See *id.*

card.¹²⁸ In addition, the prior law prohibited the Department from completing an application that did not include the applicant's social security number.¹²⁹ S.B. 60, on the other hand, required the forms to contain a section for either the applicant's social security number, federal individual taxpayer identification number, or any other identifier or number deemed appropriate by the Department.¹³⁰ Therefore, an applicant for a driver's license or identification card who was not eligible for a social security number, but who submitted a special affidavit signed under penalty of perjury, could submit a federal individual taxpayer identification number or other appropriate number or identifier in lieu of a social security number.¹³¹ These documents were then acceptable until the applicant obtained a social security account number.¹³²

Additional information required by S.B. 60 addressed some opponents' fears of the capacity for fraud in obtaining licenses and weakening border security in an age of terrorism. For example, S.B. 60 required every applicant to present two identification documents deemed acceptable by the DMV for the purpose of establishing identity.¹³³ The information required to receive a driver's license or identification card also included the applicant's true full name, age, sex, mailing address, and residence address.¹³⁴ Moreover, a brief description of the applicant was required along with a legible fingerprint, which might have alleviated some of the fears that the law opened up U.S. borders to terrorists.¹³⁵

Provisions of S.B. 60 also served the unique needs of undocumented immigrants beyond providing them the ability to obtain a driver's license.¹³⁶ Under the prior law, the DMV was required to develop procedures for verifying citizenship or legal residency of appli-

¹²⁸ CAL. VEH. CODE § 1653.5 (West 2003); see Eric Malnic, *DMV Yet to Decide Details of Getting a License*, L.A. TIMES, Sept. 6, 2003, at B8; Zamichow & Ingram, *supra* note 109, at A1.

¹²⁹ § 1653.5; see Malnic, *supra* note 128, at B8; Zamichow & Ingram, *supra* note 109, at A1.

¹³⁰ S.B. 60, 2003–2004 Leg., Reg. Sess. (Cal. 2003), 2003 Cal. Legis. Serv. 326 (West) (repealed Dec. 4, 2003); see Malnic, *supra* note 128, at B8; Zamichow & Ingram, *supra* note 109, at A1.

¹³¹ S.B. 60.

¹³² *Id.*

¹³³ *Id.* These included presentation of a birth certificate or other record of birth, which would satisfy one of Hanson's arguments about the law. Malnic, *supra* note 128, at B8; see HANSON, *supra* note 1, at 65–66 (expressing concern that illegal immigrants will not have to present the same level of identification to receive a driver's license as Californian citizens have to, which would result in an "alternate universe" for illegal aliens where different rules apply).

¹³⁴ S.B. 60.

¹³⁵ S.B. 60; Malnic, *supra* note 128, at B8; see Hendricks, *supra* note 86, at A1.

¹³⁶ See S.B. 60; Malnic, *supra* note 128, at B8.

cants for driver's licenses and identification cards.¹³⁷ S.B. 60, however, deleted this requirement and did not authorize the DMV to release information regarding the applicant except in very limited circumstances that did not include providing information to the INS.¹³⁸ Thus, immigrants would have been able to obtain driver's licenses without fear of deportation.

In conclusion, S.B. 60 required undocumented immigrants to provide several documents including proof of age and identity while enabling them to receive the benefit of a driver's license without the fear of being tracked down by the INS.¹³⁹ As the next section demonstrates, this bill serves as a timely example of the state action model of immigration reform in California.

C. S.B. 60 Exemplifies the State Action Option

The provisions of S.B. 60 support the integration efforts of illegal immigrants in California and require immigrants to follow procedures that provide a benefit to all California residents. The bill satisfies the first aim of the state action option by providing a needed benefit to undocumented immigrants—the ability to obtain a California driver's license.¹⁴⁰ A driver's license can lead to better jobs that may have been impossible for immigrants to accept without a car because it would take too long to get to and from work. Increased wages and benefits can then provide a better standard of living for the immigrant's entire family.¹⁴¹ A driver's license will also enable undocumented immigrants to get to work safely, which is currently not always the case.¹⁴² Finally, undocumented immigrants feel that driver's licenses will “recover [their] identity to be able to live and work in this society.”¹⁴³

In addition, S.B. 60 satisfies the second aim of the state action option by insisting that undocumented immigrants make efforts to attain

¹³⁷ See S.B. 60; Malnic, *supra* note 128, at B8.

¹³⁸ S.B. 60.

¹³⁹ S.B. 60; Nicholas & Mena, *supra* note 88, at B1.

¹⁴⁰ S.B. 60; Nicholas & Mena, *supra* note 88, at B1; Zamichow & Ingram, *supra* note 109, at A1. As one illegal immigrant stated, “in this country a car is not a luxury.” Porter, *supra* note 25, at A1.

¹⁴¹ See Deborah Kong, *Immigrants Line Up for Driver's Licenses*, CONTRA COSTA TIMES, Sept. 21, 2003, at 4, available at 2003 WL 62464538 (last visited Jan. 19, 2004).

¹⁴² See *id.* A common method of getting to and from the fields, where many illegal immigrants find work, is to pay a driver who generally drives old and unsafe open trucks. *Id.*

¹⁴³ Zamichow & Ingram, *supra* note 109, at A1.

basic levels of citizenship.¹⁴⁴ Under the prior law, undocumented and thus unlicensed immigrants were driving on California roads every day taking the risk that, if they were stopped, their cars would probably be impounded.¹⁴⁵ The police say this could explain why Latinos account for an above-average number of hit-and-run arrests.¹⁴⁶ By enabling these immigrants to apply for and receive driver's licenses, California would encourage them to take driver training classes and to purchase car insurance, since the DMV requires proof of insurance for the car used to take the driving test.¹⁴⁷ S.B. 60, therefore, facilitates having more trained and insured drivers on the road.¹⁴⁸

S.B. 60 can also help law enforcement because it expands state data on who is driving.¹⁴⁹ This additional information serves the goal of ensuring that illegal immigrants attain basic levels of citizenship by enabling law enforcement officials to enforce the laws of California on a population of roughly two million undocumented immigrants.¹⁵⁰ In addition, illegal immigrants will no longer live in perpetual fear of the police and, thus, will most likely drive on main roads that are safer and better cared for.¹⁵¹

Finally, S.B. 60 does not require any "assimilation" of undocumented immigrants in order to promote successful integration into society.¹⁵² The immigrant is still able to make choices as to whether to apply for a driver's license and whether to take a certain job. S.B. 60 simply opens a door. California residents should be satisfied because the bill only provides benefits to the illegal immigrants who agree to pass a driver's test and obtain insurance, which makes the roads safer

¹⁴⁴ See *id.* (describing California's requirement to have liability insurance before one can obtain a driver's license).

¹⁴⁵ Porter, *supra* note 25, at A1; see HANSON, *supra* note 1, at 65.

¹⁴⁶ Porter, *supra* note 25, at A1. In *Mexifornia*, Hanson describes his own personal experiences with cars belonging to illegal immigrants, including one being left in a ditch on his property after crashing into and destroying thousands of dollars of vines. HANSON, *supra* note 1, at 61.

¹⁴⁷ See Salinas, *supra* note 88, at B6.

¹⁴⁸ Nicholas & Mena, *supra* note 88, at B1 (quoting Governor Davis, "The law . . . will ensure that drivers already on the road will know the rules of the road and so are better drivers.").

¹⁴⁹ See Kong, *supra* note 141, at 4.

¹⁵⁰ See Nicholas & Mena, *supra* note 88, at B1.

¹⁵¹ Kong, *supra* note 141, at 4. Antonio Gonzalez, president of the William C. Velasquez Institute, a Latino think tank in Los Angeles, said that overturning the law would be detrimental to California because "[s]cared people don't cooperate with the police [or] get care when they're sick [, and] scared kids don't go to school . . ." See Hendricks, *supra* note 86, at A1.

¹⁵² See HANSON, *supra* note 1, at 145-46.

for all people residing in California.¹⁵³ Therefore, S.B. 60 provides an example of how California can pass legislation that tackles illegal immigrant problems—unsafe, unlicensed drivers on the roads and a limited ability to locate nearly two million undocumented residents—in a way that enables the affected population not only to retain its identity, but to receive significant benefits.¹⁵⁴

CONCLUSION

In *Mexifornia*, Victor Davis Hanson argues that the reason for California's current illegal immigration dilemma is the decline of government assimilation efforts and the rise of a multicultural focus in schools. Drawing upon his own experience, Hanson provides reasons why forced assimilation was successful three decades ago and why California is struggling today with its undocumented immigrant population. Hanson proposes four options for how California can deal with the problem: (1) forcing assimilation of all illegal immigrants, (2) substantially decreasing the number of new legal immigrants and effectively closing the United States-Mexico border to illegal immigrants, (3) employing a hybrid of the first two, or (4) doing nothing and allowing "Mexifornia" to develop. Hanson's first three options do not allow for a quick enough response to the problem. These options would also require significant governmental and societal changes. The fourth option of inaction would leave California on its present course and, therefore, fail to improve the situation at all.

In an effort to find a more effective solution to California's illegal immigrant problem, this Book Review proposes a fifth option. The state government, through the passage of legislation, should take the lead in promoting integration of its current undocumented immigrant population and ensuring that these individuals attain certain basic levels of citizenship. California's S.B. 60, a recently repealed statute that would have enabled undocumented immigrants to receive driver's licenses, is a good example of how this fifth option can work to alleviate the state's immigration issues and to help illegal immigrants improve their position in society. Legislation of this kind will not only ensure that illegal immigrants receive the tools needed to integrate into society, but will also ensure that they attain a certain level of citizenship.

¹⁵³ See Salinas, *supra* note 88, at B6.

¹⁵⁴ See S.B. 60, 2003–2004 Leg., Reg. Sess. (Cal. 2003), 2003 Cal. Legis. Serv. 326 (West) (repealed Dec. 4, 2003).

